

**REMARKS/ARGUMENTS**

Claims 1, 4-12, 15-18, 21-30, and 33-35 were pending in this application. In this amendment, claim 18 is amended. No claims are added or canceled. Applicant submits that no new matter is added by the claim amendment. Upon entry of this amendment, claims 1, 4-12, 15-18, 21-30, and 33-35 will remain pending.

Reconsideration of the rejection in view of the foregoing amendments and following remarks is respectfully requested.

**Objection to Specification**

The Specification was objected to as lacking antecedent basis support for claims 18 and 21-27.

Without conceding the merits of the rejection as applied to claims 18 and 21-27, and in the interest of expediting prosecution of this application, Applicants have amended claim 18 to recite “non-transitory computer readable medium” as requested by the Examiner. In addition, Applicants have amended the Specification to include the term “non-transitory” as suggested in the Office Action. Applicants submit that no new matter is added by addition of this term in the Specification. According to MPEP 2163.07(I), “mere rephrasing of a passage does not constitute new matter. Accordingly, a rewording of a passage where the same meaning remains intact is permissible.” Applicants have added the term “non-transitory” to clarify an attribute of the storage device and submit that addition of this term does not change the original definition of the storage device. Applicants submit that this overcomes the objection to the specification and respectfully request withdrawal of the objection.

**Rejections under 35 U.S.C. § 103**

Claims 1, 11-12, 18, 28-30, and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,785,675 to Graves et al. (“Graves”) in view of US Patent Application Publication No. 2002/0013856 to Garcia-Luna-Aceves et al. (“Garcia”).

Claim 1 recites in part:

creating a first request message including the plurality of queries and a first sequence number associated with the plurality of queries;

receiving a response message from the search engine, the response message including a plurality of replies and the first sequence number, wherein the first sequence number is associated with the plurality of replies, and wherein each reply associated with the first sequence number is generated in response to a query also associated with the first sequence number;

The Office Action acknowledges that Graves does not teach these features recited in claim 1 but suggests that Garcia teaches these features in FIG. 6 and associated description. Applicants respectfully disagree.

As best understood, Garcia is directed at methods for determining cost metrics for routing data in a computer network. An Internet Radio (IR) periodically sends update messages to its neighboring IR's and other components within the computer network. The update message includes an identifier for the IR, a sequence number assigned by the sending IR, and an update list with one or more entries. (See Garcia at ¶ [0063]). The update message tells the system about a location of the IR, among other things. This information is then used to efficiently route data within the network.

The Office Action suggests a combination of Garcia and Graves "in order to keep track of or indentify the plural queries associated with the aggregated request [of Graves]." (Office Action at page 4). Applicants submit that a combination of Graves and Garcia is improper.

Applicants submit that in Graves, each query already includes information needed to track or identify the query. For example, in Graves, the query for checking account balance includes the account number, e.g., 111, within the query itself, which is used to track the query. When multiple queries are aggregated in Graves, each query within the aggregated query already includes its own tracking information, e.g., the account number 111. When the results of the query are returned by the database system in Graves, each individual reply also includes the same tracking information that is present in the query, e.g., the account number 111. (See Graves col. 4, lines 17-64). Thus, Applicants submit that the method of Graves already includes a mechanism to properly track and identify each query and the corresponding reply to that query. Thus, it is unnecessary in Graves to include additional tracking information for the aggregated query. In fact, in Graves, "the returned table is simple scanned using the original query requests

to match the request to the correct information in the table.” (Graves at col 4, lines 65-68). Thus, as best understood, Graves teaches away from assigning a sequence number to the aggregated query. Since the results of the query are scanned using the individual query requests, there is no need for a sequence number to track the aggregated query in the Graves system. In addition, since the individual reply in Graves includes all the information necessary to match it with its corresponding query, there is no need for an additional sequence number to track the aggregated query and/or reply. Applicants further submit that the proposed combination of Graves and Garcia may add unnecessary complexity to the Graves method and run counter to the objective of Graves, which is “to reduce the performance bottleneck...” (Graves at col 1 lines 51-53).

Thus, Applicants submit that there is no need in Graves to assign a sequence number to the aggregated query since each query and each corresponding reply in Graves already includes tracking or identification information to uniquely identify the query and the corresponding reply.

Thus, Applicants submit that claim 1 and its dependent claims are allowable over a combination of Graves and Garcia for at least the reasons stated above. The dependent claims are allowable for additional reasons.

For example, claim 28 recites in part:

creating a second request message including a plurality of queries;  
sending the second request message to the search engine; and  
receiving a response message from the search engine, wherein the response message includes one or more replies generated in response to the first request message and one or more replies generated in response to the second request message, and wherein the second request message is created after the first request message.

The Office Action asserts that Garcia teaches these features of claim 28. Applicants respectfully disagree.

Applicants submit that the update messages sent by the IR in Garcia are not part of a query-response process. In Garcia, the “dissemination-type flag determines how IR maintains the [routing table] entry and how it disseminates updates to the entry.” (Garcia at

¶ [0057]; emphasis added). Thus, in Garcia, broadcasting of an update message is based on predetermined criteria and those criteria are programmed into each IR. As best understood, the sending of the update message in Garcia is not based on the IR being queried for that information. Applicants submit that there is no mechanism in Garcia to query each IR for an updated entry and for the IR to broadcast a reply in response to such a query. Thus, Applicants submit that there is no support in Garcia for the assertion that Garcia teaches the above-mentioned features of claim 28, contrary to the suggestion in the Office Action. Thus, Applicants submit that claim 28 is allowable over a combination of Graves and Garcia for at least these additional reasons.

Claims 11 and 18 and their respective dependent claims are also allowable over a combination of Graves and Garcia for at least a similar rationale as that for claim 1.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Girish M. Basarkar/

Girish M. Basarkar  
Reg. No. 64,508

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
GIB:cjt  
62541132 v1